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| 10/506,816      | 09/07/2004  | Ron Reisman          | 26277               | 5432             |

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3743

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/506,816 | <b>Applicant(s)</b><br>REISMAN, RON |  |
|                              | <b>Examiner</b><br>Amadeus S. Lopez  | <b>Art Unit</b><br>3743             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4,14-18,21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-13,19,20 and 23-35 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/19/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. All references listed on the Information Disclosure Statement filed on 1/19/2005 have been considered by the examiner.

### ***Specification***

2. The disclosure is objected to because of the following informalities: on page 1, lines 18 and 19, and page 2, line 22, the word "radially" should be deleted and replaced with -- readily --. Also on page 2 in line 15, the word "as" should be deleted and replaced with -- is --.

Appropriate correction is required.

### ***Claim Objections***

3. Claim 3 is objected to because of the following informalities: In the last line of claim 3, the word "then" should be deleted and replaced with -- than --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 19** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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5. **Claim 20** recites the limitation "the breathing unit" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 23, 24, and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 23 and 24 claim that the loose activated charcoal particles is granulated material sized to be about .5 to 1 mm, but these limitations are never disclosed or described within the specification. Claim 27 claims that at least a portion of the hood has a distinctive color, but this limitation is never disclosed within the specification.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**8. Claims 1, 6, 7, 8, 12, 30, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0131846 to Campbell et al. in view of US 5226412 to Winters in further view of US 4870959 to Reisman.**

**9. With regards to claim 1,** Campbell et al teach and show a breathing hood comprising: a hood (Fig. 5), said hood sized and shaped for placing over a head of a user in an airtight manner with an opening of the hood sealingly engaging the neck portion of the user (Paragraph 8 and Fig. 5); at least a visor portion (Fig. 5; 112) of the hood is transparent (inherent that visor 112 in Fig. 5 is transparent if one is able to see the user in the figure); and a pair of respiratory units (116) disposed offset with respect to the nose location and wherein in a donned position of the breathing hood a chamber (150; paragraph 26) is formed at a mouth/nose location thereof. What is not disclosed by Campbell et al is a hood made of a stretchable fire resistant material and which is also impermeable to gases and biologic material and a hood with a pair of respiratory units, each respiratory unit comprising a housing formed with an inhalation flow path accommodating activated charcoal particles, and an exhalation flow path fitted with a

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one way exhaling valve. What Winters teaches and shows in Fig. 1-5 is a respirator mask with a respiratory unit (20) comprising a housing (30 and 60) formed with an inhalation flow path (Fig.5; Col. 5, lines 7-29) accommodating activated charcoal particles (Col. 3, line 65 to Col. 4, line 6), and an exhalation flow path fitted with a one way exhaling valve (90; Fig. 5; Col. 5, lines 7-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood of Campbell et al. to include an inhalation path with charcoal particles because it is well known in the art that charcoal is an effective filtering medium to remove contaminants within an airflow. After reviewing the specification of the applicant's disclosure, the examiner has concluded that the applicant never establishes any criticality for using a pair of respiratory units. Therefore it would also have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood of Campbell et al to include a single respiratory unit with an exhalation flow path with an exhalation valve in order to remove contaminants from the air being breathed into ambient air by the user and to make the hood more efficient by having the exhalation valve placed within the respiratory unit. Also what is taught by Reisman is a respiratory hood made of a stretchable fire resistant material and which is also impermeable to gases and biologic material. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood taught by Campbell et al. to utilize a stretchable, fire resistant and impermeable material to gases and biologic material (Col. 1, lines 55-68) to be able to fit the heads of a wide range of users while still creating a tight seal around the head of the

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user and to make the respiratory hood useful in various situations including a fire and a chemical or biological warfare.

10. **With regards to claims 6, 7, and 8**, what is taught by Campbell et al in view of Winters in further view of Reisman is a protective breathing hood with all the limitations of claim 1 as rejected above. What is further taught by Reisman is to utilize loose activated charcoal impregnated within a bedding which in this case is a charcoal cloth within a housing (Col. 5, lines 10-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the breathing hood of Campbell et al in view of Winters to include a activated charcoal particles impregnated in a charcoal cloth because it is known to be an effective configuration for filtering off contaminants within air passing through the filter element.

11. **With regards to claim 12**, what is taught and shown by Campbell et al. in Fig.1 is a visor (12) that is integrally formed with the hood.

12. **With regards to claim 30**, what is taught by Campbell in view of Winters in view of Reisman is a protective breathing hood with all the limitations of claim 1 and 30 with the exception of wherein the exhaling valve is a mushroom type valve fitted within the housing. What is disclosed by Winters is a an exhalation valve (90) that is disclosed to be a rubber diaphragm valve (Col. 2 lines 67 to Col. 3, line 5). After reviewing the specification the applicant never establishes any criticality for using a mushroom type valve for the exhalation valve. Therefore it would have been an obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to

use a mushroom type, rubber diaphragm, or any other valve that would be effective in acting as a one way valve to release expired air from the user.

13. **With regards to claim 32**, what is taught by Campbell et al. in view of Winters in further view of Reisman is a breathing hood with all the limitations of claims 1 and 32 as rejected above with the exception of wherein the exhalation flow path is in fluid communication with the mouth/nose of the user at least when the exhalation valve is open. What is taught and shown by Winters is a facemask wherein the exhalation flow path is in fluid communication with the mouth/nose of the user at least when the exhalation valve is open. (See. Fig. 5; Col. 5, lines 7-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protective breathing hood as taught by Campbell et al in view of Winters in view of Reisman to include an exhalation flow path is in fluid communication with the mouth/nose of the user so that the expired air can leave the hood apparatus immediately and not remain within the hood.

14. **With regards to claim 33**, Campbell et al teach and show a breathing hood comprising: a hood (Fig. 5), said hood sized and shaped for placing over a head of a user in an airtight manner with an opening of the hood sealingly engaging the neck portion of the user (Paragraph 8 and Fig. 5); at least a visor portion (Fig. 5; 112) of the hood is transparent (inherent that visor 112 in Fig. 5 is transparent if one is able to see the user in the figure); and a pair of respiratory units (116) disposed offset with respect to the nose location and wherein in a donned position of the breathing hood a chamber (150; paragraph 26) is formed at a mouth/nose location thereof such that there is



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substantially continuous fluid communication at least between the chamber and the mouth/nose of a user. What is not disclosed by Campbell et al is a hood made of a stretchable fire resistant material and which is also impermeable to gases and biologic material and a hood with a pair of respiratory units, each respiratory unit comprising a housing formed with an inhalation flow path accommodating activated charcoal particles, and an exhalation flow path fitted with a one way exhaling valve. What Winters teaches and shows in Fig. 1-5 is a respirator mask with a respiratory unit (20) comprising a housing (30 and 60) formed with an inhalation flow path (Fig.5; Col. 5, lines 7-29) accommodating activated charcoal particles (Col. 3, line 65 to Col. 4, line 6), and an exhalation flow path fitted with a one way exhaling valve (90; Fig. 5; Col. 5, lines 7-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood of Campbell et al. to include an inhalation path with charcoal particles because it is well known in the art that charcoal is an effective filtering medium to remove contaminants within an airflow. After reviewing the specification of the applicant's disclosure, the examiner has concluded that the applicant never establishes any criticality for using a pair of respiratory units. Therefore it would also have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood of Campbell et al to include a single respiratory unit with an exhalation flow path with an exhalation valve in order to remove contaminants from the air being breathed into ambient air by the user and to make the hood more efficient by having the exhalation valve placed within the respiratory unit. Also what is taught by Reisman is a respiratory hood made of a stretchable fire resistant

material and which is also impermeable to gases and biologic material. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood taught by Campbell et al. to utilize a stretchable, fire resistant and impermeable material to gases and biologic material (Col. 1, lines 55-68) to be able to fit the heads of a wide range of users while still creating a tight seal around the head of the user and to make the respiratory hood useful in various situations including a fire and a chemical or biological warfare.

15. **With regards to claim 34**, Campbell et al teach and show a breathing hood comprising: a hood (Fig. 5), said hood sized and shaped for placing over a head of a user in an airtight manner with an opening of the hood sealingly engaging the neck portion of the user (Paragraph 8 and Fig. 5); at least a visor portion (Fig. 5; 112) of the hood is transparent (inherent that visor 112 in Fig. 5 is transparent if one is able to see the user in the figure); and a pair of respiratory units (116) disposed offset with respect to the nose location and wherein in a donned position of the breathing hood a chamber (150; paragraph 26) is formed at a mouth/nose location thereof, wherein said chamber is substantially free of any means adapted for sealingly engaging the chamber to a portion of the face of the user, at least in the vicinity of the mouth/nose location. What is not disclosed by Campbell et al is a hood made of a stretchable fire resistant material and which is also impermeable to gases and biologic material and a hood with a pair of respiratory units, each respiratory unit comprising a housing formed with an inhalation flow path accommodating activated charcoal particles, and an exhalation flow path fitted with a one way exhaling valve. What Winters teaches and shows in Fig. 1-5 is a

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respirator mask with a respiratory unit (20) comprising a housing (30 and 60) formed with an inhalation flow path (Fig.5; Col. 5, lines 7-29) accommodating activated charcoal particles (Col. 3, line 65 to Col. 4, line 6), and an exhalation flow path fitted with a one way exhaling valve (90; Fig. 5; Col. 5, lines 7-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood of Campbell et al. to include an inhalation path with charcoal particles because it is well known in the art that charcoal is an effective filtering medium to remove contaminants within an airflow. After reviewing the specification of the applicant's disclosure, the examiner has concluded that the applicant never establishes any criticality for using a pair of respiratory units. Therefore it would also have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood of Campbell et al to include a single respiratory unit with an exhalation flow path with an exhalation valve in order to remove contaminants from the air being breathed into ambient air by the user and to make the hood more efficient by having the exhalation valve placed within the respiratory unit. Also what is taught by Reisman is a respiratory hood made of a stretchable fire resistant material and which is also impermeable to gases and biologic material. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood taught by Campbell et al. to utilize a stretchable, fire resistant and impermeable material to gases and biologic material (Col. 1, lines 55-68) to be able to fit the heads of a wide range of users while still creating a tight seal around the head of the

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user and to make the respiratory hood useful in various situations including a fire and a chemical or biological warfare.

16. **With regards to claim 35**, Campbell et al teach and show a breathing hood comprising: a hood (Fig. 5), said hood sized and shaped for placing over a head of a user in an airtight manner with an opening of the hood sealingly engaging the neck portion of the user (Paragraph 8 and Fig. 5); at least a visor portion (Fig. 5; 112) of the hood is transparent (inherent that visor 112 in Fig. 5 is transparent if one is able to see the user in the figure); and a pair of respiratory units (116) disposed offset with respect to the nose location and wherein in a donned position of the breathing hood a chamber (150; paragraph 26) is formed at a mouth/nose location thereof, wherein said chamber constitutes a breathing interface with a nose/mouth of a user. What is not disclosed by Campbell et al is a hood made of a stretchable fire resistant material and which is also impermeable to gases and biologic material and a hood with a pair of respiratory units, each respiratory unit comprising a housing formed with an inhalation flow path accommodating activated charcoal particles, and an exhalation flow path fitted with a one way exhaling valve. What Winters teaches and shows in Fig. 1-5 is a respirator mask with a respiratory unit (20) comprising a housing (30 and 60) formed with an inhalation flow path (Fig.5; Col. 5, lines 7-29) accommodating activated charcoal particles (Col. 3, line 65 to Col. 4, line 6), and an exhalation flow path fitted with a one way exhaling valve (90; Fig. 5; Col. 5, lines 7-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood of Campbell et al. to include an inhalation path with charcoal particles

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because it is well known in the art that charcoal is an effective filtering medium to remove contaminants within an airflow. After reviewing the specification of the applicant's disclosure, the examiner has concluded that the applicant never establishes any criticality for using a pair of respiratory units. Therefore it would also have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood of Campbell et al to include a single respiratory unit with an exhalation flow path with an exhalation valve in order to remove contaminants from the air being breathed into ambient air by the user and to make the hood more efficient by having the exhalation valve placed within the respiratory unit. Also what is taught by Reisman is a respiratory hood made of a stretchable fire resistant material and which is also impermeable to gases and biologic material. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood taught by Campbell et al. to utilize a stretchable, fire resistant and impermeable material to gases and biologic material (Col. 1, lines 55-68) to be able to fit the heads of a wide range of users while still creating a tight seal around the head of the user and to make the respiratory hood useful in various situations including a fire and a chemical or biological warfare.

**17. Claims 2, 5, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0131846 to Campbell et al. in view of US 5226412 to Winters in further view of US 4870959 to Reisman in further view of US Patent No. 5063926 to Forsgren et al.**

18. **With regards to claim 2**, Campbell et al teach and show a breathing hood comprising: a hood (Fig. 5), said hood sized and shaped for placing over a head of a user in an airtight manner with an opening of the hood sealingly engaging the neck portion of the user (Paragraph 8 and Fig. 5); at least a visor portion (Fig. 5; 112) of the hood is transparent (inherent that visor 112 in Fig. 5 is transparent if one is able to see the user in the figure); and a pair of respiratory units (116) disposed offset with respect to the nose location and wherein in a donned position of the breathing hood a chamber (150; paragraph 26) is formed at a mouth/nose location thereof. What is not disclosed by Campbell et al is a hood made of a stretchable fire resistant material and which is also impermeable to gases and biologic material and a hood with a pair of respiratory units, each respiratory unit comprising a housing formed with an inhalation flow path accommodating activated charcoal particles, and an exhalation flow path fitted with a one way exhaling valve, comprising an array of receptacles accommodating the charcoal particles; where each receptacle having an inlet opening and an outlet opening and where at least one of the inlet and outlet opening of each receptacle has a cross-section of the receptacle. What Winters teaches and shows in Fig. 1-5 is a respirator mask with a respiratory unit (20) comprising a housing (30 and 60) formed with an inhalation flow path (Fig.5; Col. 5, lines 7-29) accommodating activated charcoal particles (Col. 3, line 65 to Col. 4, line 6), and an exhalation flow path fitted with a one way exhaling valve (90; Fig. 5; Col. 5, lines 7-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood of Campbell et al. to include an inhalation path with charcoal particles

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because it is well known in the art that charcoal is an effective filtering medium to remove contaminants within an airflow. After reviewing the specification of the applicant's disclosure, the examiner has concluded that the applicant never establishes any criticality for using a pair of respiratory units. Therefore it would also have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood of Campbell et al to include a single respiratory unit with an exhalation flow path with an exhalation valve in order to remove contaminants from the air being breathed into ambient air by the user and to make the hood more efficient by having the exhalation valve placed within the respiratory unit. Also what is taught by Reisman is a respiratory hood made of a stretchable fire resistant material and which is also impermeable to gases and biologic material. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the respiratory hood taught by Campbell et al. to utilize a stretchable, fire resistant and impermeable material to gases and biologic material (Col. 1, lines 55-68) to be able to fit the heads of a wide range of users while still creating a tight seal around the head of the user and to make the respiratory hood useful in various situations including a fire and a chemical or biological warfare. What is taught by Forsgren et al. is a respiratory unit comprising an array of receptacles (formed from circular holes in cover 40' and square outlet holes in cover 20') accommodating the charcoal particles; where each receptacle having an inlet opening and an outlet opening (inherent that receptacle has inlet and outlet opening if air flows in through one side and passes out the opposite side; inlet considered to be circular holes in cover 40' in Fig. 9 and outlet are square holes on

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cover 20') and where at least one of the inlet and outlet opening of each receptacle has a cross-section smaller than a cross-section of the receptacle (cross-section of circular holes is shown to be smaller than that of the square holes in cover 20'). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protective hood device taught by Campbell et al in view of Winters in view of Reisman to include an array of receptacles having an inlet and outlet opening and where at least one of the inlet and outlet opening of each receptacle has a cross-section smaller than a cross-section of the receptacle as taught by Forsgren because it is well known in the art.

19. **With regards to claim 5**, what is taught by Campbell et al. in view of Winters in further view of Reisman in view of Forsgren et al is a breathing hood with all the limitations of claims 2 as rejected above. What is also taught by Forsgren is wherein the openings are fitted with a grid (cover 40' in Fig. 9 or cover 20'). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device taught by Campbell et al in view of Winters in further view of Reisman to have the openings fitted with a grid to provide another surface prior to and beyond the filter media for contaminant to adhere to and not reach the respiratory passageways of the user.

20. **With regards to claims 9-11**, what is taught by Campbell et al. in view of Winters in further view of Reisman in view of Forsgren et al is a breathing hood with all the limitations of claims 2 as rejected above. What is also taught by Forsgren is wherein the receptacles are in the form of a honeycomb (Fig. 9, formed by circular inlet



openings of receptacles in cover 40'). After reviewing the specification the applicant never establishes any criticality for having the cross-section of the receptacles a specific shape. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the cross-section of the receptacles circular, triangular, or any other shape that would hold charcoal particles.

**21. Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0131846 to Campbell et al. in view of US 5226412 to Winters in further view of US 4870959 to Reisman in further view of US Patent No. 4807614 to Van der Smissen et al.**

**22. With regards to claim 13,** what is taught by Campbell et al. in view of Winters in further view of Reisman is a breathing hood with all the limitations of claims 1 and 13 as rejected above with the exception of wherein the hood is entirely transparent. What is taught and shown by Van der Smissen in Fig. 1 is a protective hood (1) wherein the hood is entirely transparent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protective breathing mask of Campbell et al to make the entire hood transparent to increase the peripheral vision of the user.

**23. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0131846 to Campbell et al. in view of US 5226412 to Winters in further view of US 4870959 to Reisman in further view of US Patent No. 5875775 to Nur et al.**

24. **With regards to claim 25**, what is taught by Campbell et al. in view of Winters in further view of Reisman is a breathing hood with all the limitations of claims 1 and 25 as rejected above with the exception of wherein the hood further comprises a biologic material barrier disposed in the inhalation flow path. What is taught and shown by Nur et al. in Fig. 1 is a protective breathing hood that comprises a biologic material barrier (In Col. 1, lines 16-22 Nur et al. state that toxic air includes "biological warfare agents"; In Col. 5, lines 2-6, Nur et al. state that "filter portions 26 and 28 filter out toxic air" which from the stated definition includes biological material; Therefore the filter disclosed by Nur et al inherently contains a biological material barrier of some sort). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protective hood taught by Campbell et al. In view of Winters in further view of Reisman to include a biological material barrier in the inhalation flow path to filter off deadly contaminants in the air being breathed in by the user.

25. **Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0131846 to Campbell et al. in view of US 5226412 to Winters in further view of US 4870959 to Reisman in further view of US Patent No. 7007690 to Grove et al.**

26. **With regards to claim 28**, what is taught by Campbell et al. in view of Winters in further view of Reisman is a breathing hood with all the limitations of claims 1 and 28 as rejected above with the exception of wherein the hood is made of silicone rubber. What is taught and shown by Grove et al. in Fig. 2 is a respiratory protective mask wherein the mask is made of silicone rubber. It would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify the protective hood of Campbell et al to make the mask out of silicone rubber as taught by Grove et al. since it is disclosed by Grove et al. to have very good flexible properties (Col. 4, lines 8-14).

**27. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0131846 to Campbell et al. in view of US 5226412 to Winters in further view of US 4870959 to Reisman in further view of US Patent No. 7007690 to Grove et al in further view of US Patent No. 4807614 to Van Der Smitten et al.**

**28. With regards to claim 29,** what is taught and shown by Campbell et al in view of Winters in further view of Reisman in further view of Grove et al is a protective breathing mask with all the limitations of claim 28 as rejected above with the exception of wherein the entire hood is transparent. What is taught and shown by Van der Smitten in Fig. 1 is a protective hood (1) wherein the hood is entirely transparent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protective breathing mask of Campbell et al to make the entire hood transparent to increase the peripheral vision of the user.

**29. Claims 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0131846 to Campbell et al. in view of US 5226412 to Winters in further view of US 4870959 to Reisman in further view of US Patent No. 5140980 to Haughey et al.**

**30. With regards to claim 26,** what is taught and shown by Campbell et al in view of Winters in further view of Reisman is a protective breathing mask with all the limitations

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of claim 1 as rejected above with the exception of wherein the protective hood is disposable. What is taught and shown by Haughey et al. is a protective breathing hood wherein the hood is foldable into a pocket sized package (Col. 1 line 66 to Col. 2 line 17; it is inherent that if the hood is foldable then one would be able to fold it into a small enough size that would fit within a pocket). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protective hood taught by Campbell in view of Winters in further view of Reisman to make the hood foldable into a pocket sized package so that it can be easily transported and so that a user may have easy access to it when in need.

31. **With regards to claim 31**, what is taught and shown by Campbell et al in view of Winters in further view of Reisman is a protective breathing mask with all the limitations of claim 1 as rejected above with the exception of wherein the protective hood is disposable. What is taught and shown by Haughey et al. is a protective breathing hood wherein it is disposable (Col. 1 line 66 to Col. 2 line 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protective mask taught by Campbell in view of Winters in further view of Reisman to make the mask disposable as taught by Haughey et al. to make sure that the user is always using an effective protective breathing hood in which the filter elements are clear of any contaminants.

### ***Conclusion***


32. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. US 6134716 and US 4179274.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amadeus S. Lopez whose telephone number is (571) 272-7937. The examiner can normally be reached on Mon-Fri 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on (571) 272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Amadeus S Lopez  
Examiner  
Art Unit 3743  
May 10, 2006

ASL

  
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